

# Exhibit A

**Texas v. Biden Monthly Report (PRELIMINARY<sup>1</sup> Reporting: September 1, 2021 – September 30, 2021)**

**(1) The total monthly number of encounters<sup>2</sup> at the southwest border (SWB);**

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions<sup>3</sup> between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles<sup>4</sup> at land ports of entry along the SWB, and Title 42 Expulsions<sup>5</sup> at and between the ports of entry along the SWB.

September 2021 as of October 4, 2021	Title 42	Title 8	Total Encounters
Office of Field Operations	<b>2,115</b>	<b>4,371</b>	<b>6,486</b>
El Paso Field Office	189	319	508
Laredo Field Office	706	979	1,685
San Diego Field Office	993	2,896	3,889
Tucson Field Office	227	177	404
U.S. Border Patrol	<b>99,684</b>	<b>85,507</b>	<b>185,191</b>
Big Bend Sector	2,286	284	2,570
Del Rio Sector	18,749	24,823	43,572
El Centro Sector	3,944	999	4,943
El Paso Sector	15,056	2,760	17,816
Laredo Sector	7,906	699	8,605
Rio Grande Valley Sector	26,291	28,687	54,978
San Diego Sector	9,703	3,021	12,724
Tucson Sector	14,357	3,359	17,716
Yuma Sector	1,392	20,875	22,267
<b>Grand Total</b>	<b>101,799</b>	<b>89,878</b>	<b>191,677</b>

<sup>1</sup> CBP's month-end "lock down" of the September 2021 data is scheduled for October 15<sup>th</sup> to provide the necessary time for quality checks and any records correction for the end-of-fiscal-year reporting for 2021. In order to comply with the Court's order to file a report with the Court on the 15<sup>th</sup> of each month, CBP must pull the requested data this time prior to the official lock down. Publicly available data for September will be based on the official/locked data from the 15<sup>th</sup>, accordingly, this preliminary report may not match the public data release due to timing of the data pull.

<sup>2</sup> The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

<sup>3</sup> Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

<sup>4</sup> Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

<sup>5</sup> Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

## (2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- *Title 42 expulsions at and between the ports of entry along the SWB*<sup>6</sup>

September 2021 as of October 4, 2021	Title 42
Office of Field Operations	<b>2,115</b>
El Paso Field Office	189
Laredo Field Office	706
San Diego Field Office	993
Tucson Field Office	227
U.S. Border Patrol	<b>99,684</b>
Big Bend Sector	2,286
Del Rio Sector	18,749
El Centro Sector	3,944
El Paso Sector	15,056
Laredo Sector	7,906
Rio Grande Valley Sector	26,291
San Diego Sector	9,703
Tucson Sector	14,357
Yuma Sector	1,392
<b>Grand Total</b>	<b>101,799</b>

- *Removals/Returns under Title 8*

Southwest Land Border (Based on Encounter Date)<sup>7</sup>: 4,186

- BP Removals/Returns: 3,447
  - Bag and Baggage<sup>8</sup>: 8
  - Voluntary Return<sup>9</sup>: 2,034
  - Expedited Removal: 521
  - Reinstatement of Removal: 884
  - Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0
- OFO Removals/Returns: 739
  - Bag and Baggage: 0
  - Voluntary Return: 150
  - Expedited Removal: 157

<sup>6</sup> Same as Title 42 expulsion data provided in response to 1 above.

<sup>7</sup> Indicates that the noncitizen was encountered during the reporting period (September 1, 2021 – September 30, 2021).

<sup>8</sup> When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

<sup>9</sup> Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

- Reinstatement of Removal: 15
- Withdrawal of Application for Admission: 417
- Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0

**(3) Defendants' total detention capacity as well as current usage rates;**

*OFO Holding Capacity – Southwest Border in Custody<sup>10</sup>*

Detention Capacity	21-Sep
935	149 (15.9%) <sup>11</sup>

<sup>10</sup> Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

<sup>11</sup> Represents the average number of travelers in custody on a daily basis averaged over the 30-day period, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

*USBP Average Daily Subjects In Custody by Southwest Border Sector<sup>12</sup>*

<b>USBP Sector</b>	<b>September 2021</b>
<b>Big Bend</b>	38
<b>Del Rio</b>	1,910
<b>El Centro</b>	338
<b>El Paso</b>	1,016
<b>Laredo</b>	597
<b>Rio Grande</b>	4,230
<b>San Diego</b>	530
<b>Tucson</b>	371
<b>Yuma</b>	2,095
<b>Total</b>	<b>11,124</b>

**(4) The total monthly number of “applicants for admission”<sup>13</sup> under Section 1225;**

<b>September 2021 as of October 4, 2021</b>	<b>Title 8</b>
<b>Office of Field Operations</b>	<b>4,371</b>
El Paso Field Office	319
Laredo Field Office	979
San Diego Field Office	2,896
Tucson Field Office	177
<b>U.S. Border Patrol</b>	<b>85,507</b>
Big Bend Sector	284
Del Rio Sector	24,823
El Centro Sector	999
El Paso Sector	2,760
Laredo Sector	699

<sup>12</sup> U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 4,750, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 234.19%, which is averaged over the 30-day period and includes all Southwest Border Sector locations.

<sup>13</sup> An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

Rio Grande Valley Sector	28,687
San Diego Sector	3,021
Tucson Sector	3,359
Yuma Sector	20,875
<b>Grand Total</b>	<b>89,878</b>

**(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and**

- OFO NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5): 2,876
- BP Apprehensions with Parole Disposition: 20,764
- OFO Inadmissible Aliens with Parole Disposition: 540

**(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”<sup>14</sup>**

- BP Notice to Report<sup>15</sup>: 2,626
- BP NTA-Order of Release on Recognizance: 18,353
- OFO NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5): 2,876
- BP Apprehensions with Parole Disposition: 20,764
- OFO Inadmissible Aliens with Parole Disposition: 540

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<sup>14</sup> All numbers in reporting requirement 6 are “based on encounter date,” as defined above.

<sup>15</sup> Individuals who are screened by CBP, and after criminal and immigration records checks are conducted to determine if the subject is a threat to national security or public safety, are then released and instructed to report to U.S. Immigration and Customs Enforcement (ICE) for continued processing.